

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIC MATTHEW NEGRIN, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> Lieutenant JOHN GARY, <i>et al.</i>, <div style="text-align: center;">Defendants.</div> <hr style="width: 40%; margin-left: 0;"/>	: : : : : : : : : : :	Case No. 5:20-cv-428-TES-CHW
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ORDER

Defendants have filed motions for summary judgment (Docs. 36, 37), and the Clerk of Court has provided the required notice about the motions to Plaintiff. In response, Plaintiff submitted a letter saying that he is awaiting discovery responses from Defendant Evans, which he believes would aid in responding to Defendants’ motions for summary judgment. (Doc. 42). Based on arguments made by Plaintiff and the document filed with his letter (Doc. 43), Plaintiff’s letter may be construed as an untimely motion to compel discovery. The discovery period in this case concluded on November 15, 2021, and Plaintiff did not file any motion to compel or motion for extension of the discovery period during that time.

Nevertheless, to the extent Plaintiff seeks to discover his own medical records, the motion to compel discovery (Doc. 42) is **GRANTED** pursuant to Rule 56(d) of the Federal Rules of Civil Procedure. Plaintiff previously attempted to obtain his medical records by requesting that the Court subpoena the records. (Docs. 27, 32). In responding to Plaintiff’s motion, Defendant Evans stated she had produced all of Plaintiff’s medical records to his current custodian for Plaintiff’s inspection. (Doc. 33). While the Court denied Plaintiff’s request for subpoenas, the Court questioned Defendant Evans’s position that Plaintiff’s having his own records would present a

security risk and expressed confidence that Defendants would complete the discovery process. (Doc. 34, p. 2, n. 1). Given the nature of the claims in this case, Plaintiff cannot meaningfully respond to the motion for summary judgment without access to his complete medical record. If Defendants have not yet provided Plaintiff's own medical records to him as requested in discovery, the Court directs Defendants to provide the requested records to Plaintiff by December 17, 2021.

After being transferred to Georgia Diagnostic & Classification Prison, Plaintiff also filed a motion for extension of time to respond to Defendant's motion for summary judgment (Doc. 47). Based upon the Court's decision regarding discovery, Plaintiff's motion for extension of time is **GRANTED**. Plaintiff's response to Defendants' motions for summary judgment will then be due by January 17, 2022.

SO ORDERED, this 7th day of December, 2021.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge